



ARCHITECTS

7/8/04

TO: CITY OF SUNNYVALE  
DEPARTMENT OF COMMUNITY DEVELOPMENT

RE: REQUEST FOR VARIANCE  
924 MOCKINGBIRD LANE  
APN: 198-42-003

#### VARIANCE JUSTIFICATIONS

Project Description: It is our desire to add a Master Bedroom and Bath to our home at 924 Mockingbird Lane. At the same time, we would like to remodel an existing Bedroom and convert it to an Office. This project will better suit the needs of our young and growing family, and provide a workspace for my wife who works out of the home. It is also our desire as part of this project to improve the architectural character and appearance of the house. The new divided-light wood windows, the new dimensional composition shingle roof for the entire house, the improved gutter and eave detail, and the addition of the Entry clerestory all work to significantly improve the appearance of the house and give it a more interesting and consistent architectural character.

Finding #1: Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.

Response: The basic problem, and the reason for this request for variance, stems from the exceptional shape of the property and the orientation of the existing house relative to the side property lines. The shape of the lot is irregular in that the width of the lot tapers from 65 ft. in the rear to 56.7 ft. in the front and as a result the 2 side property lines are not parallel. The existing house is oriented parallel to the west property line but not parallel to the east property line. The existing house is set back 5.5 ft on the west side, requiring a 6.5 ft setback on the east side. The existing side setback on the east side varies from 8.4 ft at the rear to 5.7 ft at the front. Thus the existing northeast corner of the house is beyond the required setback.

It is our desire to extend the existing east side wall of the house out to accommodate the new addition. Because of the angled side property line, this necessitates reducing the side setback to 4.3 ft. Property owners of standard lots whose side property lines are parallel (and whose house would be oriented parallel to the sides) would be allowed to extend their side walls for an addition without further encroaching upon the existing setback.

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We feel that we have little choice but to extend the east side wall as proposed. Stepping the east side wall of the house in to meet the required setback results in a design that is not satisfactory to us and does not meet our needs as well as the proposed plan. Not only does moving the east wall in result in a substandard Master Bedroom, but it also creates an odd and arbitrary "jog" in the exterior wall of the house. This goes against my design philosophy as an architect that additions and remodels should look and feel as if they've always been a part of the house. Moving the east side wall in from the existing corner will make the project appear as an obvious and badly executed addition and be deleterious to the overall architectural character of the house.

As part of the design process, we have considered other options that would not require a variance. We originally considered adding the Bedroom and Bathroom to the rear of the house, but this was unsatisfactory because there was no way to create a Hallway to the rear without destroying the existing rear Bedroom or Living Room. Also, this rear addition would be detrimental to our use and enjoyment of the back yard. We also considered moving the front addition to the west to meet the required 6.5 ft side setback, reducing the width of the Entry courtyard. This option was neither possible nor acceptable because it would cover the only window to the Office/Guest Room (this window is a required egress window) and would create the "jog" in the exterior wall as noted above.

Finding #2: The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.

Response: The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district because the proposed addition and requested side setback will have minimal if any impact on other properties. The property is located on a dead-end street with only 7 houses on it. 5 of the 6 other properties on the street (the 6<sup>th</sup> property owner was out of town) have signed the attached letter stating their approval and support for the project as proposed. It is the feeling of these neighbors that the new character and appearance of the house will not be detrimental but would instead be beneficial to the street.

Finding #3: Upon granting of the Variance the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.

Response: The intent and purpose of the ordinance will still be served upon granting of the Variance in that the "spirit" of the ordinance, if not the letter, will be maintained. The required area of separation at the side yards will still be provided. Even though the requested side setback is 4.3 ft in lieu of the required 6.5 ft, the project only touches that setback at one corner. The remainder of the east side of the house maintains an increasingly-larger setback. In fact, approximately half of the east side is within the required 6.5 ft setback. Also, the required side yard setback area is still maintained by the proposed project. The required combined 12 ft. width of the setback multiplied by the length of the 2 sides of the house results in a required side yard area of 556.9 sf. The proposed project maintains an actual side yard setback area of 646.4 sf (see attached diagram). For this reason, we as recipients of the Variance will not be granted special privileges.